

**Special Rapporteur on violence against women, its causes and consequences E/CN.4/2006/61/Add.3
para 74 (f)**

Full recommendation:

To prioritise the elimination of violence against women as a public policy issue and to prevent, investigate and punish all acts of violence against women, whether perpetrated by private or State actors, it is recommended that the Government:

Vigorously enforce the prohibition on torture, to investigate fully and publicly all allegations of torture, including the case of Zahra Kazemi, to hold perpetrators accountable and to ensure that victims of torture receive compensation and rehabilitation;

Assessment using Impact Iran human rights indicators¹

Article 38 of the Constitution prohibits the use of any form of torture to obtain confessions, and considers the confession resulting from torture acts to be inadmissible in court. In addition to that, Articles 6, 7 and 9 of the law on the respect for the legitimate freedoms and citizenship rights (adopted on 4 May 2004) specifies and prohibits instances of torture. Article 578 of the Islamic Penal Code criminalises the use of torture and imposes a punishment on the perpetrator. Also, Article 169 of the Islamic Penal Code further invalidates confessions from torture.

However, Iran has not ratified the Convention Against Torture, so not all domestic laws are in line with international norms and standards. For example, torture is restricted to physical torture and the law does not recognise other forms, such as psychological torture. Also, Iran's laws do not acknowledge torture methods resulting from religious practices (Ta'zir), like flogging and amputation.²

The current Iranian law allows a person to complain about violations if they are subjected to torture, inhumane treatment or detention, and to seek punishment for offenders. The Judicial disciplinary courts, the Armed Forces Judicial Court, the Parliament's Article 90 Commission, and Oversight Bodies for the exercise of Citizenship Rights in the country's provincial courts are among the institutions tasked with receiving and reviewing complaints. However, apart from the fact that a comprehensive and transparent report on the functioning of these institutions has not yet been made publicly available, the lack of independence and impartiality of these institutions is the most important issue that questions their effectiveness in preventing repeated violations of victims' rights.³ In addition, Iran has for years denied international institutions, including UN mechanisms, free access to prisons and prisoners.

Though there are instances where allegations of torture in prison and detention facilities are investigated by various state mechanisms in charge of such processes, there is no information available on such

¹ CCPR.7.1.S.1; CCPR.7.1.P.1; CCPR.7.1.P.2; CCPR.7.1.O.1; CCPR.7.1.O.2; CCPR.7.1.O.3

² See reports of Amnesty International: <https://www.amnesty.org/en/countries/middle-east-and-north-africa/iran/report-iran/>

³ See these reports: <https://www.en-hrana.org/prisoners-zahedan-prison-threatened-not-talk-inspectors> and <https://www.en-hrana.org/unusual-inspection-ward-3-rajai-shahr-prison> and <https://www.en-hrana.org/meet-leading-human-rights-violators-irans-rajai-shahr-prison>

investigations birthing any sort of disciplinary action or prosecution against the alleged perpetrators. On the contrary, high-level cases of torture allegations being raised by prisoners against prison authorities often end in the state mechanisms in charge of investigating these allegations declaring that no torture took place, resulting in the victims being accused of “propaganda against the regime”.⁴

There are no reports of victims of torture or other cruel, inhuman or degrading treatment receiving any sort of compensation or rehabilitation by the state institutions. Despite this, there are laws in place that allow for individuals to be compensated if they were wrongly accused or if they were forced to confess, yet cases where a victim has raised a complaint, the alleged perpetrators were investigated and convicted and the victim compensated are never made public.

In the case of Zahra Kazemi's murder, the allegations of torture committed against her have yet to be investigated in an independent and impartial tribunal and the perpetrators have not been convicted. Kazemi's case has been reviewed several times in a number of courts, yet lawyers assigned to her case have constantly noted a lack of respect for fair trial standards in such proceedings.⁵ During the appeals stage of her case, the only person who had been identified as a defendant in her murder case, an employee of the Ministry of Information and Security, was acquitted of any charges.⁶

Recommendation Status:

This recommendation has **NOT** been implemented.

⁴ <https://iranintl.com/en/iran/vaezi-regime-has-right-sue-esmail-bakhshi-torture-claims>

⁵ <https://www.radiozameh.com/383406>

⁶ <https://www.isna.ir/news/8408-13991/>